

## REMARKS/ARGUMENTS

### STATUS OF THE CLAIMS

Applicants have amended Claims 29, 31, 32, 36, and 37. Applicants have also amended the priority information in the specification, as requested by the Examiner. Claims 1-46 are pending. Applicants respectfully request reconsideration of the pending claims in view of the following remarks.

### CLAIM REJECTION – 35 U.S.C. § 102

#### Independent Claim 29

Claim 29 stands rejected under 35 U.S.C. § 102(e) as being anticipated by United States Patent No. 5,651,378 issued to Matheny et al. (hereinafter “Matheny”). Claim 29 also stands rejected under 35 U.S.C. § 102(e) as being anticipated by United States Patent No. 6,381,499 issued to Taylor et al. (hereinafter “Taylor”).

Amended Claim 29 specifies “intermittently starting and automatically stopping electrical stimulation of the vagal nerve subsequent times in order to manipulate heart rhythm during therapeutic treatment of the heart.” As noted by the Examiner on page 5 of the Office Action, none of the prior art references (including Matheny and Taylor) disclose the step of “automatically stopping” the stimulation of the vagal nerve. Accordingly, independent Claim 29 and dependent Claims 30, 33-35, and 38-41 are allowable.

#### Dependent Claims 30, 33-35 and 38

Claims 30, 33-35, and 38 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Matheny. Claims 30, 33-35, and 38 depend from Claim 29, and are therefore allowable for the reasons set forth above with respect to Claim 29. Claims 30, 33-35, and 38 specify additional patentable subject matter not specifically discussed herein.

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Dependent Claims 30 and 39-41

Claims 30 and 39-41 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Taylor. Claims 30 and 39-41 depend from Claim 29, and are therefore allowable for the reasons set forth above with respect to Claim 29. Claims 30 and 39-41 specify additional patentable subject matter not specifically discussed herein.

ALLOWABLE SUBJECT MATTER

Applicants appreciate the Examiner's allowance of Claims 1-28 and 42-46. Applicants also appreciate the Examiner's indication that Claims 31, 32, 36, and 37 include patentable subject matter. Applicants have amended Claims 31, 32, 36, and 37 into independent form by incorporating the base claim and any intervening claims. Applicants respectfully request allowance of Claims 31, 32, 36, and 37.

CONCLUSION

In light of the above, Applicants respectfully request reconsideration and allowance of Claims 1-46.

Respectfully submitted,

  
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